

**OFFICIAL MINUTES FOR THE
REGULAR COMMISSIONERS COURT MEETING
HELD ON JANUARY 27, 2003 AT 1:30 P.M.**

(APPROVED 02-24-2003)

Item No. 1 CALL TO ORDER BY JUDGE LOUIS H. BRUNI
Let it be remembered that a special meeting of the Webb County Commissioners Court was held at 1:30 p.m. at the regular meeting place with the following members present to wit:

Louis H. Bruni	County Judge
Jerry Vasquez	Commissioner, Pct. 1
Judith Gutierrez	Commissioner, Pct. 2
Felix Velasquez	Commissioner, Pct. 3
David Cortez	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 24th of January 2003. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

Item No. 2 Roll Call by Ms. Margie R. Ibarra, County Clerk

Item No. 4 Pledge of Allegiance led by Judge Louis H. Bruni
Judge Bruni asked for a moment of silence in memory of Kathy Kraus Bruni who passed away on Saturday.

Item No. 3 Invocation by Cmr. Velasquez

Item No. 5 Approval of Minutes

Cmr. Cortez stated that there was a correction that he stated he found in which the area that was to be moved from Pct. 3 to Pct. 4 should also read "south of Canal Street" instead of "north of Markley." (Please note: Street names were not mentioned in minutes, only in transcript (page 26) which cannot be corrected.)

Cmr. Velasquez stated that he found other mistakes that needed to be corrected. On page 5, Item No 43, "Pct. 5" should state "Pct. 3" and on Item No. 43, "t" should be "to." On page 23, Item No. 41, Cmr. Vasquez made motion to approve and Cmr. Gutierrez seconded the motion. (Please note that the Official Transcript, page 109, shows Cmr. Gutierrez made motion to approve with a second by Cmr. Vasquez & Cmr. Cortez). On Item No 46 & 47, Item 46 should show that it was tabled due to the location and that on Item No 47, Cmr. Velasquez stated that the contracts should be terminated not that they were already.

Cmr. Gutierrez stated that the minutes do not show when she arrived (This is stated in Page 2, 4th paragraph, 2nd sentence of the minutes) and that the name for one of the attorneys doing the redistricting needed to be corrected from "Horble" to "Korbel"

Cmr. Gutierrez made motion to approve minutes with corrections. Cmr. Vasquez seconded the motion.

Motion passed 5-0 by unanimous consent

Cmr. Velasquez motioned to move up Item No. 41. Cmr. Gutierrez seconded the motion.

Motion passed 5-0 by unanimous consent

Item No. 41

Discussion and possible action to institute a public comment platform to address items posted on the agenda and adopt procedural requirement including the submission of a "Speaker Card;" setting a three (3) minute time limit for any speaker; and, and matters incident thereto.

Cmr. Velasquez motioned to approve item as submitted with discussion. Cmr. Cortez seconded the motion.

Cmr. Velasquez asked County Attorney Homero Ramirez if the three-minute time limit was standard. Mr. Ramirez stated that is not set minimum or maximum of time allowed during public comments. He stated that three (3) minutes has always been used as the rule of thumb. He

also advised the Court that the court has the power to restrict the time and amount of people allowed to speak but the court cannot restrict the content. Cmr. Vasquez stated that if the court cannot restrict the content, it would allow persons addressing the court to begin speaking about one topic and then go from topic to topic. Mr. Ramirez stated that the court can adopt a policy which can specify which topics can be discussed and those that can't. Cmr. Vasquez stated that he is worried that the court will come across as restricting the people's First Amendment right to freedom of speech if the court limits the public's say to three (3) minutes. Judge Bruni states that he will be adopting a policy in which only those items on the agenda will be discussed. If the public wishes to discuss an item not on the agenda, they will need to speak with their elected commissioner so that they may place the item on the agenda for the following meeting. He also stated that any discussion of items not placed on the agenda could be construed as a violation of the Open Meetings Act. He states that the Public Comment platform is a good way for the public to have some input in County matters but that these are not public hearing and are being done as a courtesy to the constituents. Mr. Ramirez stated that there are two constitutional provisions with this policy. The First Amendment right to freedom of speech as well as the right to redress grievances can both be applied to these restrictions. One way in which the policy can be in violation of freedom of speech is if the Court states that only those in favor or only those against an issue may speak and the others may not. By allowing those persons with varying beliefs on the same topic, the court is addressing the matter of the First Amendment right to freedom of speech. The right to redress grievances can be violated if the court does not set up appropriate venues for public to air concerns about the court and its methods to address the court. By allowing access to the Commissioners Court and the Commissioners themselves, the county is addressing that issue. Cmr. Vasquez inquired as to whether or not the Court can restrict discussion if someone begins speaking on one topic in the agenda and ends up criticizing the Court on misspent taxpayers' money, which is not on the agenda. Mr. Ramirez stated that if the commissioners have adopted a policy in which only those items on the agenda can be

discussed, then the court can restrict comments. Cmr. Vasquez stated that the reasons for his questions is that he has seen City Council meetings in which some speakers stray from the original topic and many times become repetitious. Judge Bruni stated that he understands what Cmr. Vasquez is talking about and will not tolerate persons who become repetitious during the public comments. Cmr. Gutierrez stated that she was concerned about the time restrictions because she does not want the court to be too restrictive but neither too lenient. Judge Bruni agreed but he does not want to violate the Open Meetings Act. Cmr. Cortez stated that if the policy would limit discussions only to those items on the agenda, it would allow the constituents to address their concerns to the Court at a time when the most information would be available due the item would be presented that day.

Cmr. Velasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carries 5-0 by unanimous consent

Cmr. Velasquez motioned to move up Item No. 46. Cmr. Gutierrez seconded the motion.

Motion carries 5-0 by unanimous consent

Item No. 46

Discussion and possible action requesting State Senator Judith Zaffirini and State Representatives Richard Raymond and Ryan Guillen to pass a bill designating the 49th and 341st Judicial District Courts as courts presiding exclusively over criminal cases and the 11th and 406th Judicial District Courts as courts presiding over civil cases exclusively.

Judge Bruni stated that he decided to instruct his Chief of Staff, Raul Casso, to speak with the Judicial District judges in regards to this item. He stated that he has no hidden agenda. He stated that the reason he brought up this item was in an effort to save money. He stated that this issue would be suspended, pending further study. Cmr. Vasquez stated that due item will probably resurface, he felt that the attorneys and judges present should address the court at this time. Judge Bruni stated that the Court already

knows what they are going to say and therefore there is no reason to have them speak before the court. He states that he hopes that they will be able to come to some sort of agreement that will benefit both sides of the issue. Cmr. Gutierrez stated that she felt that regardless whether or not the Court knows what those present will say, she is requesting that they be allowed to address their concerns before the court. Judge Bruni stated that he will not accept that request nor will he allow the present judges or lawyers to speak on this subject.

Judge Bruni called a ten (10) minute recess.

Judge Bruni called the court to order.

Cmr. Velasquez motioned to move up Item No. 12 and Cmr. Cortez motioned to move up No. 32. Cmr. Gutierrez seconded the motions.

Motion passed 4-0 with Cmr. Vasquez absent during voting.

Item No. 12

Discussion and possible action to pass a Resolution and Order authorizing the submission of a project application to the U.S. Department, of Justice, Office of Violence Against Women, for a Webb County Supervised Visitation and Safe Exchange Center Project. The total project cost is not to exceed THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000) over a two (2) year period and authorizing the County Judge to execute all relevant documents. [No County cash-match requirement; no obligation to re-new upon primary term expiration.]

Judge Elma Salinas Ender, 341st District Judge, was present to inform Court of above item. She was representing the Board of District and County Court at Law Judges. With her was Mr. Juan Cruz, president of the Children's Advocacy Center and Ms. Melinda Landin, Executive Director as well as members of the Children's Advocacy Center Board.

Cmr. Vasquez arrives.

Judge Ender stated that the reason that this item was brought up was due to the circumstances that oftentimes arise in domestic violence situations during the exchange of minor children for visitation purposes. The purpose of this project is to provide a safe location in which families that have dealt with Domestic Violence are able to safely exchange children for court ordered visitation by the non-custodial parent. She advised the court that there is no cash match requirement from the county for this grant and that the County would basically serve as a flow-through for the money that is being provided by the State. She stated that Mr. Juan Cruz of the Children's Advocacy Center would be in charge of contract negotiations with the provider of these services, which would be the Holding Institute. Cmr. Velasquez inquired as to the county's obligation after the two (2) year period. Judge Ender stated that the County would be under no obligation to continue the program.

Cmr. Velasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion with discussion.

Cmr. Cortez stated that many projects are brought before the court but that this is one of the most important because it deals with family welfare as well as public safety and that this type of program will offer abused women some relief. He stated that as long as he was in office, he would support those projects brought before the court to support those families that deal with Domestic Violence everyday. Judge Ender thanked the court for their time and support. Judge Bruni read the Witness Cards for those present with Judge Ender who are the following: Mr. Alaniz, Ms. Minnie Dora Haynes, Ms. Mary Lamar Killiam, Ms. Melinda Landin, Mr. Juan Cruz and Janice Gonzalez.

Motion carried 5-0 by unanimous consent

Item No. 32

Discussion and possible action to enter into a contract with Gateway Community Health Center, Inc., beginning October 1, 2002 through September 30, 2003, for the exclusive purchase of medication for County residents as prescribed by center physicians and to offset the salary of a medical provider at an annual cost of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) and authorizing

the County Judge to sign all relevant documents. [General Fund]

Comr. Vasquez motioned to approve item as submitted.
Comr. Gutierrez seconded the motion.

Motion carries 5-0 by unanimous consent

Comr. Cortez advised whoever is in charge of processing payment for Gateway Community Health Center to process payment to them as soon as possible due this was to be in effect since the beginning of the fiscal year.

Comr. Gutierrez motioned to move up Item No. 45. Comr. Velasquez seconded the motion.

Motion carries 5-0 by unanimous consent

Item No. 45

Presentation and discussion by Rail District Advisors, Inc., on Rural Rail Transportation Districts.

Mr. John Helsley, president of Community Rail Development Corporation (name changed from Rail District Advisors, Inc. effective January 1st) and his associate Mr. Allen Butcher were present to address the court as to the services that they provide to counties in regards to the railroads and rail transportation. Mr. Helsley's company works with interested counties in establishing rail districts. He stated that rail district are a governmental subdivision and are a non-taxing entity. These districts are created by having the Commissioners Court pass a resolution to establish either single or multiple rail districts. He stated that once the districts were formed, the Commissioners Court would appoint people with an interest in the railroad business or railway transportation to govern these areas. Judge Bruni inquired as to how this would generate revenues for the county. Mr. Helsley stated that they pursue grants, acquire loans, issue revenue bonds and charge rail line fees to those using the railways but they do not raise taxes. He stated that the liability in case of a train accident or derailment is the sole responsibility of the operators who lease the railways from the district. He further stated that it is the responsibility of the Rail Road Transportation Commission to ensure that the operators

have insurance. He stated that his company works under a 1991 state mandate but does not answer to the Rail Road Districting Board. He stated that no taxpayers' money is used and that all monies are generated through private enterprise. Cmr. Gutierrez inquired as to who regulates their company. Mr. Helsley stated that they follow mandates set by the State of Texas and the Redistricting Board. He stated that they are not part of the Rail Road Commission but work closely with their office. Cmr. Gutierrez inquired as to who would comprise the Board of Directors. Mr. Helsley stated that the Board normally consists of citizens of the county with an interest in future rail transportation and they are appointed by the Commissioners Court and generally consist of 5 to 7 persons (minimum of 4). Cmr. Gutierrez inquired as to what affect this will have on the present railroad companies in Webb County. Mr. Helsley stated that they will work with these companies to better serve the County of Webb. Cmr. Cortez inquired as to whether Mr. Helsley or a representative of his company had visited with the Laredo Development Foundation. He stated that they are in the process of visiting with the LDF to offer the use of rail services as revenue to Webb County. Cmr. Cortez commented that this sort of development would bring in employment to Webb County. Judge Bruni stated that if this were implemented, it would form a "Golden Triangle" between San Antonio, Corpus Christi and Laredo. Mr. Helsley deferred to Mr. Michael Berry, President of the Texas Docks and Rails. Mr. Berry stated that he is currently working with Nueces County on a project similar to this one and would highly recommend the passage of this resolution. Judge Bruni thanked everyone for their input on this issue but it is a presentation only and not an action item. He stated that he will advise his Chief of Staff to put a resolution in regards to this presentation on the next agenda.

Item No. 6

Approval of bills, payroll and monthly reports

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Velasquez seconded the motion.

Motion passes 5-0 by unanimous consent.

Item No. 7 Public Comment

No public comments

Item No. 8 Discussion and possible action to enter into a "Federal Equitable Sharing Agreement" with the U.S. Government and the District Attorney to participate in the federal equitable sharing program ending September 30, 2005.

Cmr. Velasquez motion to approve item as submitted with discussion. Cmr. Gutierrez seconded the motion.

Cmr. Velasquez inquired as to whether the County would be financially responsible for anything. County Attorney Homero Ramirez stated that this item merely stated that the District Attorney would be involved with the U.S. Government in the sharing of forfeiture items.

Motion carries 5-0 by unanimous consent

Item No. 9 Discussion and possible action to re-organize positions within the Treasurer's office by reclassifying positions, authorizing line item transfers, and adjusting salaries as follows:

- a. 001-0300-072 Executive Administrator \$62,000.00
Salary change to \$56,454.00
- b. 001-0300-074 Operations Coordinator \$36,548.00
Salary change to \$37,866.00
- c. 001-0300-076 Operations Clerk I \$24,003.00
Title changed to Executive Secretary/Billings &
Reports and Salary change to \$30,995.00
- d. 001-0300-082 Secretary Clerk \$22,110.00
Title changed to Receptionist/Desktop Clerk and
Salary changed to \$21,531.00

Ms. Delia Perales, County Treasurer, advised the Court that all changes would be within the budget and that \$1118.00 would be returned to the General Fund. The \$1118.00 would come from the merit raise given to Jorge Flores who is no longer employed with the Treasurer's Department. Cmr. Velasquez congratulated Ms. Perales on

working with the budget that was given to her department and also for returning the amount set aside for Mr. Flores merit raise. Mr. Homero Ramirez, County Attorney, advised Ms. Perales that she needed to show where the monies for the raises shown in 9b and 9c.

Cmr. Vasquez motioned to approve item as submitted.
Cmr. Gutierrez seconded the motion.

Motion carries 5-0 by unanimous consent

Item No. 10

Discussion and possible action to enter into a professional services agreement with Mr. Jose J. Calzada, Arquitectura S.A., Inc., for the design and preparation of construction drawings and for construction administration for the construction of a Library Building adjacent, and connecting to the Larga Vista Community Center for a fixed fee of FIFTEEN THOUSAND DOLLARS (\$15,000) in accordance with Commissioners Court Action of December 9, 2002 and authorizing the County Judge to execute all relevant documents.

Cmr. Vasquez motioned to approve item as submitted.
Cmr. Gutierrez seconded the motion.

Cmr. Velasquez stated that he was concerned of the funding for this project when it was approved back in December. He stated that he is not against the project itself, just the funding source. He stated that bond monies should be used to fund this project instead of dipping into the General Fund balance. Judge Bruni stated that he agrees with Cmr. Velasquez about the funding coming from some place other than the General Fund. Cmr. Gutierrez stated that she understands their concerns about funding and that even though this item was brought forth after the budget was approved, it would only be a one-time expense. She advised the court to consider this item a priority due to the commitment that it already has from Texas A & M's Colonias Project as well as the Rotary Club. She stated that this project should not be dropped because it is for the betterment of the children and families in these colonias. She asked the court to consider the impact that this library would have on the residents of these colonias. Judge Bruni stated that he is in favor of better education

and the assistance that is given to the residents of these colonias, but he is worried about the effect that this will have on the General Fund Balance. Cmr. Velasquez stated that he does not want to stop the project but that he does not want the funding to come from the General Fund Balance. He also questioned the amount being requested today (\$15,000) due in December the amount that was requested was \$150,000. Cmr. Cortez stated that he would like the bond money be used to fund this project, but regardless of the funding he will wholeheartedly support this project. Cmr. Gutierrez stated that as long as the county is over the 15% fund balance required by the bond companies, the general fund balance should be used for this project. She stated that Mr. Leo Flores, County Auditor, can attest to the fact that the county was at 17% fund balance at the end of last year. She stated that this project should not be stalled any longer and if the bond monies are found later on, the General Fund can be reimbursed. Cmr. Velasquez agreed and stated that he recommends the monies be found in the bonds and the General Fund be reimbursed.

Motion carries 5-0 by unanimous consent

Item No. 11 Discussion and possible action to approve Change Order #1 to the Zertuche Construction contract (Larga Vista Community Center Expansion Project) by reducing the contingency fund by ONE THOUSAND SIX HUNDRED AND SIXTY-SEVEN DOLLARS (\$1,667) and any matters incident thereto.

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Velasquez seconded the motion.

Motion carries 5-0 by unanimous consent

Item No. 13 Discussion and possible action to authorize the Purchasing Agent to purchase furniture from Wittings Office Interiors in the amount of EIGHT THOUSAND FOUR HUNDRED AND SIXTY-FOUR DOLLARS (\$8,464) for Constable Tino Juarez, Precinct 4. [Account: 696-2502-8801]

Mr. Eloy Ramirez stated that the reason that the furniture needs to be purchased is that Constable Juarez will be relocated and the new office is unfurnished.

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Vasquez seconded the motion.

Cmr. Velasquez inquired as to the source of the funds for this purchase. He stated that he does not remember the court approving the addition of \$8,464 in the Capital Outlay Budget. Mr. Ramirez stated that when requisitions are made through his office, he requests the account number from the Auditor's Office and makes sure that there is enough funds to cover the purchase. Cmr. Velasquez stated that this is a conservative court and he is concerned about departments purchasing items that have not been approved by Commissioners Court.

Motion denied 2-3 with Cmr. Velasquez, Judge Bruni and Cmr. Cortez voting against.

Cmr. Velasquez motioned to deny Item No. 13. Cmr. Cortez seconded the motion.

Motion carries 3-2 with Cmr. Vasquez and Cmr. Gutierrez voting against

Item No. 14

Discussion and possible action to authorize the Purchasing Agent to purchase furniture, computers, and a copier for Justice of the Peace Ricardo Rangel Precinct 2, Place 2 from the following vendors:

- | | |
|--|-------------|
| a. Furniture (Wittings Office Interiors) | \$10,947.00 |
| b. Computers (IBM, Checkout Print) | \$11,605.65 |
| c. Copier (Neville Business Machines) | \$ 7,000.00 |

[ACCOUNT: 679-8105-8103]

Mr. Ramirez stated that J.P. Rangel's office has almost been completely furnished with used furniture from the County Attorney's office and is pending only some furniture. Judge Bruni stated that he recommends the approval of only the computers and copiers. Cmr. Cortez inquired as to a request for a \$1000 desk. He stated that

all the furniture in his office was purchased by himself and his wife. Mr. Ramirez stated that the revised quote for the furniture is \$3,498 and does not include the purchase of any desks. Cmr. Velasquez was concerned about the amount being requested for computer supplies. He inquired if the office would really need 5 laser printers and if the printers could be shared through some sort of network and if M.I.S. had this out. Mr. Ramirez stated that the M.I.S. department checks out the office and then makes recommendations as to what type of equipment is needed. Cmr. Velasquez asked Mr. Eddie Flores, representative of M.I.S., if the 5 printers would be necessary for one department. Mr. Flores stated that 5 printers was the recommendation for the department. Mr. Ramirez stated that the cash register being requested was needed to print out receipts when someone pays a ticket fine. Cmr. Velasquez inquired if there are any grants to pay for any of this equipment. Judge Bruni asked Cmr. Velasquez what his recommendation would be in regards to this item.

Cmr. Velasquez motioned to approve only Item No 14b and 14c. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent

Item No. 15

Discussion and possible action to authorize the issuance of a cellular phone and designate usage minutes for Honorable Ricardo Rangel, Justice of the Peace, Precinct 2, Place 2.

Mr. Ramirez stated that J.P. Rangel, like all J.P.'s, is on call 24 hours a day and can incur high usage. Judge Bruni inquired as to the average cost of this usage. Mr. Ramirez stated that the contract they have right now is at 9¢ per minute and the contract would expire in about one year.

Cmr. Velasquez motioned to approve J.P. Rangel with 750 usage minutes per month. Cmr. Gutierrez seconded the motion.

Motion carries 4-0 with Cmr. Vasquez not present for voting.

Item No. 16 Discussion and possible action to authorize the Purchasing Agent to purchase one (1) eight (8) passenger van from Paul Young in the amount of TWENTY-ONE THOUSAND SEVEN HUNDRED THIRTY DOLLARS AND SEVENTY-SIX CENTS (\$21,730.76) for the Economic Development Department. [ACCOUNT: 696-0104-8801]

Mr. Ramirez stated that three (3) bids were received on this item and that this was the one accepted. He stated that the funds were from the Capital Outlay Budget and had been included in the original budget. Cmr. Velasquez inquired as to what happens if the amount budgeted for a purchase such as this is greater than the amount actually spent. Mr. Ramirez stated that amount remains in the account unless the department states to return the balance to the General Fund.

Cmr. Velasquez motioned to approve the item as submitted. Cmr. Gutierrez seconded the motion.

Motion carries 5-0 by unanimous consent

Cmr. Vasquez returns

Item No. 17 Discussion and possible action to authorize the Purchasing Agent to purchase a Narcotics Detection system in the amount of FORTY-ONE THOUSAND NINE HUNDRED SIXTY-NINE DOLLARS AND TWENTY-FOUR CENTS (\$41,969.24) from Ion Tack Instruments for the Webb County Law Enforcement Center (Webb County Sheriff), and ordering an exemption from competitive bidding pursuant to 262.024 Discretionary Exemptions Subsection 7, (A) Texas Local Government Code, Webb County Sheriff Forfeiture Fund; [ACCOUNT: 168-2001-8801]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carries 5-0 by unanimous consent

Item No. 18 Discussion and possible action to authorize the Purchasing Agent to include Mr. Raymond Botello to Bid No. 2002-27 annual contract for flexible base with the following price schedule:

- a. Price per cubic yard picked up by Webb County with county front loader: \$1.45 per cubic yard.
- b. Price per cubic yard loaded for the County by vendor or supplier: \$2.75 per cubic yard (Minimum 10,000 cubic yards)

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Vasquez seconded the motion.

Motion carries 5-0 by unanimous consent

Item No. 19 Discussion and possible action to authorize the Purchasing Agent to solicit bids and purchase fourteen (14) computers for the Webb County Community Action Agency.
[ACCOUNT: 920-4200-6224]

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Vasquez seconded the motion.

Motion carries 5-0 by unanimous consent

Item No. 20 Discussion and possible action approve a cellular phone for the new Nutrition Director, Larry Sanchez, within the range of 300-350 minutes for the Community Action Agency Meals on Wheels Program. [ACCOUNT: 952-4216-6004]

Cmr. Gutierrez motioned to approve 350 minutes of usage.
Cmr. Velasquez seconded the motion with the monies coming from grants.

Motion carries 5-0 by unanimous consent

Item No. 21 Discussion and possible action to authorize the Purchasing Agent to purchase sixteen (16) computers from IBM in the amount of TWENTY-FOUR THOUSAND SIXTY-THREE DOLLARS AND TWENTY CENTS (\$24,063.20) for the District Attorney's office. [Federal Forfeiture-Minor Apparatus & Tool. ACCOUNT: 169-1100-6224]

Cmr. Vasquez motioned to approve item as submitted.
Cmr. Gutierrez seconded the motion with funds coming from Federal Forfeiture Funds.

Motion carries 5-0 by unanimous consent

Item No. 22 Discussion and possible action to authorize the Purchasing Agent to purchase twenty-eight (28) Office XP Standard Version Upgrades (Microsoft) from South Computer Warehouse in the amount of FIVE THOUSAND FIVE HUNDRED EIGHTY-FIVE DOLLARS AND SEVENTY-TWO CENTS (\$5,585.72) for the Community Supervisions Corrections Department. [ACCOUNT: 076-1207-6019]

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Velasquez seconded the motion.

Motion carries 5-0 by unanimous consent

Item No. 23 Discussion and possible action to authorize the Purchasing Agent to solicit bids for a contractor to install weatherization to qualifying low-income households under the Community Action Agency – Weatherization Assistance Program.

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Vasquez seconded the motion.

Motion carries 5-0 by unanimous consent

Item No. 24 Discussion and possible action to fill slot 1847, Driver/Custodian, at \$7.50 per hour effective January 2, 2003. [Funding source is the Community Services Block Grant (CSBG) ACCOUNT: 920-4200-5001]

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Vasquez seconded the motion.

Cmr. Cortez stated that the minimum wage with Webb County was set at \$8.25 per hour yet this slot was at \$7.50 per hour. Cmr. Gutierrez clarified that this slot was

being funded by Federal Funds and did not have to comply with the minimum wage standard set by Webb County.

Motion carries 5-0 by unanimous consent

- Item No. 25 Discussion and possible action to adopt a Resolution and Order to submit a grant application to the Office of the Governor, Criminal Justice Division, Juvenile Accountability Incentive Block Grant for a Juvenile Boot camp Program in the amount of TWO HUNDRED THOUSAND DOLLARS (\$200,000) with a County match of TWENTY-TWO THOUSAND TWO HUNDRED AND TWENTY-TWO DOLLARS (\$22,222) and any matters incident thereto. [ACCOUNT: 001-0112-7209-06]

Cmr. Vasquez motioned to approve item as submitted.
Cmr. Velasquez seconded the motion.

Motion carries 5-0 by unanimous consent

- Item No. 26 Discussion and possible action to approve a revised Webb County Sick Leave Pool Policy to be effective upon adoption.

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Velasquez seconded the motion.

Ms. Juanita Puente, Risk Manager, stated that there were three changes to the Sick Leave Pool Policy which included the addition of an Advisory Committee that would consist of the Risk Manager, the County Attorney and an employee changing definition of "Catastrophic illness" from five months to 6 weeks. Ms. Puente stated that on Page 2, number 6 should state 90 days instead of 180 days to be in compliance with the Family Medical Leave Act.

Motion carries 5-0 by unanimous consent

- Item No. 27 Discussion and possible action to appoint a Webb County employee to the Sick Leave Pool Committee as per the revised policy.

Ms. Puente recommended appointing alternates in the event that the employee appointed to the committee is

unable to attend the meeting. County Attorney Homero Ramirez stated that it was okay to appoint alternates. Cmr. Gutierrez stated that how many alternates would be needed and if the Court would need to go down the list and just pick names. Ms. Puente stated that she recommended Mr. Fernando Gonzalez as the Committee member and the rest of the employees on the list as alternates.

Cmr. Velasquez motioned to approve item as submitted with remainder of employees listed to be alternates. As per the official transcripts and video recordings, there was no second on this item.

Motion carried 5-0 by unanimous consent

Item No. 28

Discussion and possible action to purchase insurance coverage from Gulf Insurance Group for acts of terrorism for a premium of FOUR THOUSAND FIVE HUNDRED EIGHTY-SEVEN DOLLARS (\$4,587) and authorizing the County Judge to execute all relevant documents. [Funding Source is Property and Casualty, ACCOUNT: 001-0105-6032]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carries 5-0 by unanimous consent

Item No. 29

Discussion and possible action to enter into a thirty-eight month (January 1, 2003 through February 1, 2006) lease-purchase agreement with Leasing 2, Inc. in the amount of FIVE HUNDRED FORTY-TWO THOUSAND ELEVEN DOLLARS AND EIGHTY CENTS (\$542,011.80) and authorizing the County Judge to sign all relevant documents. Webb County will be making twelve quarterly payments in the amount of FORTY-FIVE THOUSAND ONE HUNDRED SIXTY-SEVEN DOLLARS AND SIXTY-FIVE CENTS (\$45,167.65) over the term of the lease. Webb County will acquire title to Two (2) "Case 845" Motor Graders (Serial Number HBZ0020020, BHZ0020021), one (1) "Kobelco SK330" Excavator (Serial Number YC06U0508), one (1) "Case 580SM" Loader/Backhoe (Serial Number JJG0284436) and one (1) "Case 590SM" Front Loader/Backhoe with TRAMAC

Hydraulic Hammer (Serial Number JJG0287771). [Request of Road and Bridge Department, funds available in Road and Bridge account 010-7002-8801 and 600-9101-9829]

Judge Bruni stated that a lease-purchase was not the way to go, especially with expensive equipment. He recommended that the County look into obtaining a buy-back contract in which the seller agrees to buy back the item at the end of the contract period or exchange it for a newer model.

Cmr. Vasquez motioned to study item further and look into alternative and bring the item up at a later time. Cmr. Gutierrez seconded the motion.

Item No. 30

Motion carries 5-0 by unanimous consent

Discussion and possible action to enter into a one year (January 1, 2003 through December 31, 2003) uniform rental agreement with UniFirst to provide uniforms to Road and Bridge employees at a cost not to exceed SEVENTEEN THOUSAND FIVE HUNDRED AND THREE DOLLARS AND TWENTY CENTS (\$17,503.20) and authorizing the County Judge to sign all relevant documents. [Requested by Road and Bridge Department]

Cmr. Vasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carries 5-0 by unanimous consent

Item No. 31

Discussion and possible action to enter into a contract amendment number 1 with the State of Texas, acting through the Texas Department of Transportation to extend the termination date of the Vehicle Capital Replacement Grant (VCR 0202(22)) from April 30, 2003 to April 30, 2004 and to authorize the County Judge to execute all relevant documents. The extension will allow Webb County to purchase a Type XI Bus with alternative fuel system. [Requested by Community Action Agency]

Cmr. Vasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carries 5-0 by unanimous consent

Item No. 33 Discussion and possible action to provide the Texas Department of Transportation "Elderly and Disable Grant Certification and Assurances for Fiscal Year 2003" in order for Webb County to be eligible to receive Section 5310 grants to provide transit services to the elderly and disabled population of Webb County and authorizing the County Judge to sign all relevant documents. [Requested by Community Action Agency]

Cmr. Vasquez motioned to approve item as submitted.
Cmr. Gutierrez seconded the motion.

Motion carries 5-0 by unanimous consent

Item No. 34 Discussion and possible action to enter into a Memorandum of Understanding with the Washington's Birthday Celebration Association for the use of the County CLEAR Firing Range (four day period beginning February 14, 2003 through February 17, 2003) as the pyrotechnic site for the WBCA Fireworks Extravaganza and any matters incident thereto. [Requested by WBCA]

Cmr. Vasquez motioned to approve item as submitted.
Cmr. Gutierrez seconded the motion.

Mr. Eddie Villarreal, representative of the WBCA advised the court that there would be no cost to the taxpayers for this Fireworks Extravaganza. It is being funded by the WBCA and H-E-B.

Motion carries 4-0 with Cmr. Velasquez not present for voting.

Item No. 35 Discussion and possible action to issue "Certifications Regarding Compliance with Plat Requirements and the Connection of Utilities" to authorize utility connections to the following properties:

Connection(s) qualifying under section 232.029(i):

- a. Lot 80, Ranchitos Los Fresnos subdivision,
 (electricity – one dwelling only)

Cmr. Vasquez motioned to approve item as submitted.
Cmr. Gutierrez seconded the motion.

Motion carries 4-0 with Cmr. Velasquez not present for voting.

Item No. 36 Discussion and possible action authorizing the Purchasing Agent to solicit bids for the construction of an 850,000-gallon per day wastewater treatment plant expansion. The existing wastewater treatment plant is 650,00-gallons per day and the expansion will upgrade the plant to 1,500,000-gallons per day. [CIP Project No. 98-801-005; ACCOUNT: 646-8005-8801-8]

Cmr. Velasquez returns.

Cmr. Vasquez motioned to approve item as submitted.
Cmr. Gutierrez seconded the motion.

Mr. Tomas Rodriguez address questions from the court in regards to this item. Cmr. Velasquez asked where the funding was coming from and Mr. Rodriquez advised him the funding was from a 19.6 million dollar grant as well as county bonds. Cmr. Velasquez congratulated Mr. Rodriguez for including Project number and advised other departments to do so as well.

Motion carries 5-0 by unanimous consent

Item No. 37 Discussion and possible action authorizing the Purchasing Agent to solicit bids for the installation of a wastewater collection system on the north side of El Cenizo including three lift stations and one force main. [CIP Project No. 98-80-010; ACCOUNTS 646-8005-8801-8, 646-8005-6791-3, 647-8006-8801-8, 649-8006-8801-8]

Cmr. Vasquez motioned to approve item as submitted.
Cmr. Gutierrez seconded the motion.

Motion carries 5-0 by unanimous consent

Item No. 38 Discussion and possible action authorizing the Purchasing Agent to solicit bids to replace 2", 4", & 6" water lines with 8" water lines and install fire hydrants in Rio Bravo, Texas.

[CIP Project No. 98-801-007; ACCOUNT: 648-8006-8801-11]

Comr. Gutierrez motioned to approve item as submitted.
Comr. Vasquez seconded the motion.

Motion carries 5-0 by unanimous consent

Item No. 39 Discussion and possible action authorizing the Purchasing Agent to solicit bids to replace 2", 4", & 6" water lines with 8" water lines and install fire hydrants in El Cenizo, Texas. [CIP Project No. 98-801-008; ACCOUNTS: 648-8006-8801-11, 649-8005-880-11, 610-8006-8801-11]

Comr. Gutierrez motioned to approve item as submitted.
Comr. Vasquez seconded the motion.

Motion carries 5-0 by unanimous consent

Item No. 40 Discussion and possible action authorizing the Purchasing Agent to solicit bids for the construction of a regional 2.4 million gallon per day water treatment plant at the current site of the Webb County Water Treatment Plant, located in Rio Bravo, Texas. [CIP Project No. 99-610-006; ACCOUNT: 648-8006-8801-11]

Comr. Gutierrez motioned to approve item as submitted.
Comr. Vasquez seconded the motion.

Motion carries 5-0 by unanimous consent

Item No. 42 Discussion and possible action to consider an order of the Webb County Commissioners Court requesting Carole Keeton Strayhorn, Texas State Comptroller of Public Accounts, conduct a GASB Statement 34 Financial Management Review (FMR) of the departments of County Government reporting directly to the Commissioners Court and of the departments answering to other elected officials who choose to participate.

Comr. Gutierrez motioned to approve item as submitted.
Comr. Vasquez seconded the motion with discussion.

Cmr. Velasquez inquired as to the implementation of a GASB report. Mr. Rafael Perez, Chief Deputy Office of Auditor's Department, advised the court that the County has 30 days to submit their audited review in order to comply with GASB 34 requirements. He states that his office is prepared and Cmr. Velasquez advised public that experts have been hired. County Attorney Homero Ramirez advised Court not to discuss anything broader than what item states. Raul Casso, Chief of Staff, advised court that GASB 34 is phase 1 of review and a short-term plan for this is to be implemented.

Motion carries 5-0 by unanimous consent

- Item No. 43 Discussion and possible action to give legislative consultant S. Velasquez and Associates thirty-day notice of termination as per the terms of their contract. Cmr. Cortez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carries 4-1 with Cmr. Gutierrez voting against

- Item No. 44 Discussion and possible action to enter into a legislative consulting contract with McWilliams & Associates for a twenty-four month period beginning January 27, 2003 at a monthly cost of FOUR THOUSAND DOLLARS (\$4,000) and authorizing the County Judge to sign all relevant documents.

Cmr. Cortez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carries 4-1 with Cmr. Gutierrez voting against

Cmr. Cortez requested that a sign-in sheet be placed at the entrance to verify which departments are sending their representatives to these meetings as previously requested by Judge Bruni.

Cmr. Gutierrez requested that Ms. Marissa Martinez address the court in regards to Item No. 16. Judge Bruni advised her that item had been approved but she is welcome to speak. Ms. Martinez wanted court to clarify that vehicle that is to be purchased will only be used for

County business. County Attorney Homero Ramirez advised Court not to comment or discuss any items with public speakers.

Judge Bruni stated that he will advise his Chief of Staff to make sure that all judiciaries that were present in the beginning of the meeting submit a "Witness Card" in regards to Item No. 46. He stated that he will not back down from this issue and is only looking out for the betterment of the community. He states that this issue will be brought up again on the 10th of February.

Item No. 47

Adjournment

Cmr. Gutierrez motioned to adjourn meeting. Cmr. Vasquez seconded the motion.

Motion carries 5-0 by unanimous consent